

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6a-1716** is amended to read:

41-6a-1716. Prohibition on using a handheld wireless communication device while operating a moving motor vehicle -- Exceptions -- Penalties.

(1) As used in this section:

(a) (i) "Handheld wireless communication device" means a handheld device used for the transfer of information without the use of electrical conductors or wires.

~~[(b)]~~ (ii) "Handheld wireless communication device" includes [a]:

~~[(i)]~~ (A) a wireless telephone;

~~[(ii)]~~ (B) a text messaging device;

~~[(iii)]~~ (C) a laptop; or

~~[(iv)]~~ (D) any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input.

↗ (iii) "Handheld wireless communication device" does not include a two-way radio device described in 47 C.F.R. Parts 90, 95, or 97. ↖

(b) "Hands-free operation" means the use of a handheld wireless communication device without manual manipulation.

(c) "Manual manipulation" means the act of manually manipulating.

(d) (i) "Manually manipulate" means to use a hand to hold or operate a handheld wireless communication device.

(ii) "Manually manipulate" does not mean to use a hand to activate or deactivate a feature or function of a handheld wireless communication device if:

(A) the manipulation is a single swipe or tap of a finger; and

(B) the handheld wireless communication device is mounted on the vehicle's windshield, dashboard, or center console in a manner that does not hinder the operator's view of the road.

(2) Except as provided in Subsection (3), ~~[a person]~~ an individual may not ~~[use]~~ manually manipulate a handheld wireless communication device while operating a moving motor vehicle on a ~~[highway]~~ roadway in this state ~~[to manually]~~.

~~[(a) write, send, or read a written communication, including:]~~

~~[(i) a text message;]~~

~~[(ii) an instant message; or]~~

~~[(iii) electronic mail;]~~